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7 METAL WORLD INCORPORATED

E-filed 10/13/05

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10
11 SCHWAGER DAVIS, INC.,

Case No. C-05-02353 JF

12 Plaintiff,

**STIPULATION AND
ORDER CONTINUING DATE OF CASE
MANAGEMENT CONFERENCE**

13 v.

14 METAL WORLD, INCORPORATED and
DOES 1-50,

Judge: The Honorable Jeremy Fogel

15 Defendants.

Date of Filing: June 9, 2005
Trial Date: No Date Set

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18 Pursuant to Northern District Civil Local Rules 6-1(b), 6-2, and 7-12, Plaintiff Schwager
19 Davis, Inc. ("Plaintiff") and Defendant Metal World Incorporated ("Defendant"), by and through
20 their counsel of record, hereby stipulate as follows:

- 21 1. WHEREAS, Plaintiff filed its Complaint against Defendant in this Court on June
22 9, 2005;
- 23 2. WHEREAS, this matter is currently scheduled for a Case Management Conference
24 on Friday, October 14, 2005;
- 25 3. WHEREAS, Defendant previously filed a statement of claim, on May 13, 2005,
26 against Plaintiff in the Supreme Court of Newfoundland and Labrador Trial Division entitled
27 *Metal World Incorporated v. Schwager Davis, Inc.*, Case 2005 01T No. 5610;
- 28

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4. WHEREAS, the parties have agreed, in principle, to a settlement of both lawsuits and are in the process of finalizing a written settlement agreement; and

5. WHEREAS, the parties believe that resetting the date of the Case Management Conference would allow them to finalize the settlement agreement and, thereby, obviate the need for a Case Management Conference;

THE PARTIES HEREBY STIPULATE that the Case Management Conference currently scheduled for Friday, October 14, 2005, be continued until and rescheduled for Friday December 2, 2005 at 10:30 a.m.

Dated: October 12, 2005

McCRACKEN, BYERS & HAESLOOP, LLP

By: /S/

MARK HAESLOOP

Counsel for Plaintiff
SCHWAGER DAVIS, INC.

Dated: October 12, 2005

FENWICK & WEST LLP

By: /S/

SAUNDRA L. M. RILEY

Counsel for Defendant
METAL WORLD INCORPORATED

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: October 13, 2005

/s/electronic signature authorized

HONORABLE JEREMY FOGEL
United States District Court Judge
Northern District of California

Attestation

I, Sandra L. M. Riley, attest that I have obtained the physical signature of each of the other signatories to this stipulation, reflecting their concurrence in the filing of this document; and will maintain records to support this concurrence until one year after final resolution of this action.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 12th day of October, 2005 at Mountain View, California.

Signature: /S/

Sandra L. M. Riley

Counsel for Defendant
METAL WORLD INCORPORATED

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